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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

BLAIR, DOUGLAS B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/774,620

Applicant(s)

HIRAYAMA, TOMOSHI

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-194 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-194 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/2/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 25-40, 47-57, 63-75, 88-109, 122-137, 144-154, 161-172, and 185-194 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,490,627 to Kalra et al. in view of U.S. Patent Number 6,535,919 to Innoue et al..

2. Kalra teaches the invention as claimed (As in exemplary claims 98-109 and 122-131) including a data-provisioning system comprising: a first data-transmitting section for transmitting a continuous stream of content data that consists of multimedia content groups, each composed of program data and auxiliary data items (col. 4, lines 14-32); an edit control section for performing an operation on the attributes of each program data and auxiliary data items and the profile data of a user apparatus, thereby automatically assembling new data (col. 4, lines 14-32); and a second data-transmitting section for selecting the auxiliary data items to be inserted into the program data in accordance with the new data assembled by the edit control section, thereby to transmit a continuous stream of content data that consists of multimedia content groups, each composed of the program data and the auxiliary data items (col. 4, lines 14-32); however Kalra does not explicitly teach auxiliary data items including transmission/reproduction validity terms and conditions of assigning a right.

Innoue teaches a system for distributing content wherein auxiliary data items include transmission/reproduction validity terms and conditions of assigning a right (col. 19, line 64-col. 20, line 30).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kalra regarding a server for distributing content with the teaching of Innoue regarding with rights protection because some streaming media is copyrighted and it is important to protect it from unauthorized access (Innoue, col. 1, lines 7-11).

3. As to claim 99, Kalra teaches the system of claim 98 further comprising a data server apparatus for changing the order of the items of the content data which has been assembled by the edit control section and which consists of multimedia content groups, each consisting of the program data and the auxiliary data items, and for outputting the items of content data in the order changed, thereby to transmit the content data (col. 4, lines 47-59).

4. As to claim 100, Kalra teaches the system according to claim 98, further comprising a data server apparatus for skipping a certain auxiliary data items contained in the content data which has been assembled by the edit control section and which consists of multimedia content groups, each consisting of the program data and the auxiliary data items, thereby to transmit the content data (col. 5, lines 3-23).

5. As to claim 101, Kalra teaches the system according to claim 98, further comprising a data server apparatus for transmitting additional auxiliary data items, together with the content data which has been assembled by the edit control section and which consists of multimedia

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content groups, each consisting of the program data and the auxiliary data items (col. 5, lines 3-23).

6. As to claim 102, Kalra teaches the system according to claim 101, wherein the data server apparatus acquires the additional auxiliary data items from an external system, by the use of the edit control section (col. 4, lines 47-59).

7. As to claim 103, Kalra teaches the system according to claim 101, wherein the data server apparatus incorporates means for generating the additional auxiliary data items (col. 4, lines 47-59).

8. As to claims 104-108, a server can be considered a data terminal and therefore the rejections of claims 99-103 apply to claims 104-108.

9. As to claim 109, Kalra teaches the system according to claim 98, wherein the program data and the auxiliary data items have an attribute each, which can be transferred to a position remote from the program data and the auxiliary data items (col. 4, lines 47-59).

10. As to claim 122, Kalra teaches the system according to claim 98, further comprising a data server apparatus for describing attribute data representing conditions of limiting the transmission of new program data and auxiliary data items which have been generated by the edit control apparatus (col. 7, lines 42-61).

11. As to claim 123, Kalra teaches the system according to claim 122, wherein the data server apparatus describes attribute data representing conditions of changing the order in which the program data and auxiliary data items are to be transmitted, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

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12. As to claim 124, Kalra teaches the system according to claim 122, wherein the data server apparatus describes attribute data representing conditions of stopping the transmission of the program data and auxiliary data items, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

13. As to claim 125, Kalra teaches the system according to claim 122, wherein the data server apparatus describes attribute data representing conditions of transmitting the program data and auxiliary data items, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

14. As to claim 126, Kalra teaches the system according to claim 122, wherein the data server apparatus describes attribute data representing conditions of acquiring additional auxiliary data items, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

15. As to claim 127, Kalra teaches the system according to claim 98, further comprising a data terminal apparatus for describing attribute data representing conditions of limiting the transmission of new program data and auxiliary data items which have been generated by the edit control apparatus (col. 4, lines 14-32).

16. As to claim 128, Kalra teaches the system according to claim 127, wherein the data terminal apparatus describes attribute data representing conditions of changing the order in which the program data and auxiliary data items are to be transmitted, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

17. As to claim 129, Kalra teaches the system according to claim 127, wherein the data terminal apparatus describes attribute data representing conditions of stopping the transmission

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of the program data and auxiliary data items, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

18. As to claim 130, Kalra teaches the system according to claim 127, wherein the data terminal apparatus describes attribute data representing conditions of transmitting the program data and auxiliary data items, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

19. As to claim 131, Kalra teaches the system according to claim 127, wherein the data terminal apparatus describes attribute data representing conditions of acquiring additional auxiliary data items, in accordance with the relation between the program data and the auxiliary data items (col. 4, lines 14-32).

20. As to claims 1-12, 25-40, 47-57, 63-75, 88-109, 122-137, 144-154, 161-172, and 185-194 they are rejected for the same reasons as claims 98-109 and claims 122-131.

21. Claims 13-24, 41-46, 58-62, 76-87, 110-121, 138-143, 155-160, and 173-184 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,490,627 to Kalra et al. in view of U.S. Patent Number 6,535,919 to Innoue et al. in further view of U.S. Patent Number 6,493,763 to Suzuki.

22. As to claim 110, the Kalra-Innoue combination makes obvious the system according to claim 98, however, the Kalra-Innoue combination does not explicitly teach the transfer of money.

Suzuki teaches a data server apparatus for describing attribute data representing means for transferring money and settling charge between players concerning the program data and the

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auxiliary data items before the program data and auxiliary data items are transmitted in a prescribed order (col. 5, lines 17-37).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kalra-Innoue combination regarding a server for distributing content with the teaching of Suzuki for handling charges because settling charges allows for distributors to be properly compensated (col. 1, lines 44-59).

23. As to claim 111, Suzuki teaches a data server apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items which have been generated by the edit control section (col. 5, lines 17-37).

24. As to claim 112, Suzuki teaches a data server apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items the edit control section have generated by changing the order in which the items of the content data are to be transmitted (col. 5, lines 17-37).

25. As to claim 113, Suzuki teaches a data server apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items the edit control section have generated by skipping a certain auxiliary data item (col. 5, lines 17-37).

26. As to claim 114, Suzuki teaches a data server apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items the edit control section have generated by transmitting additional auxiliary data items (col. 5, lines 17-37).



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27. As to claim 115, Suzuki teaches a data server apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items which are generated from the additional auxiliary data items (col. 5, lines 17-37).

28. As to claim 116, the Kalra-Innoue combination makes obvious the system according to claim 98, however, the Kalra-Innoue combination does not explicitly teach the transfer of money.

Suzuki teaches a data terminal apparatus for describing attribute data representing means for transferring money and settling charge between players concerning the program data and the auxiliary data items before the program data and auxiliary data items are transmitted in a prescribed order (col. 5, lines 17-37).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kalra-Innoue combination regarding a server for distributing content with the teaching of Suzuki for handling charges because settling charges allows for distributors to be properly compensated (col. 1, lines 44-59).

29. As to claim 117, Suzuki teaches a data terminal apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items which have been generated by the edit control section (col. 5, lines 17-37).

30. As to claim 118, Suzuki teaches a data terminal apparatus describes attribute data representing means for transferring money and settling charge between players concerning new

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program data and auxiliary data items the edit control section have generated by changing the order in which the items of the content data are to be transmitted (col. 5, lines 17-37).

31. As to claim 119, Suzuki teaches a data terminal apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items the edit control section have generated by skipping a certain auxiliary data item (col. 5, lines 17-37).

32. As to claim 120, Suzuki teaches a data terminal apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items the edit control section have generated by transmitting additional auxiliary data items (col. 5, lines 17-37).

33. As to claim 121, Suzuki teaches a data server apparatus describes attribute data representing means for transferring money and settling charge between players concerning new program data and auxiliary data items which are generated from the additional auxiliary data items (col. 5, lines 17-37).

34. As to claims 13-24, 41-46, 58-62, 76-87, 138-143, 155-160, and 173-184, they are rejected for the same reasons as claims 110-121.

### ***Response to Arguments***

35. Applicant's arguments with respect to claims 1-194 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair



BEATRIZ PRIETO  
PRIMARY EXAMINER

